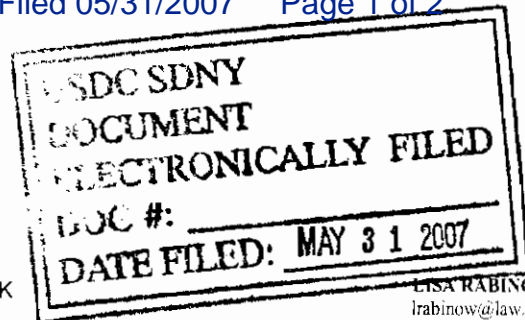




THE CITY OF NEW YORK
LAW DEPARTMENT
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MICHAEL A. CARDOZO
 Corporation Counsel

May 30, 2007

SO ORDERED

BY HAND

Honorable George B. Daniels
 United States District Judge
 Southern District of New York
 500 Pearl Street
 New York, NY 10007

George B. Daniels
 HON. GEORGE B. DANIELS

MAY 31 2007

Re: Scott v. City of New York 07 CV 3691 (GBD)

Your Honor:

I am the Assistant Corporation Counsel assigned to the defense for defendant City of New York and Commissioner Horn with respect to the above-referenced matter, in which plaintiff alleges that he was subjected to excessive force by New York City Department of Correction employees. Defendants City and Horn respectfully requests that their time to respond to the complaint be extended for sixty (60) days from the current due date of June 5, 2007 until August 5, 2007. Plaintiff's counsel has consented to a extension of thirty (30) days only.

There are several reasons for seeking an enlargement of time. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need this additional time to investigate the allegations of the complaint. Plaintiff alleges that he was subjected to excessive force in this case. Accordingly, it is necessary for defendants to acquire as much information as possible to properly assess this case and respond to the complaint.

Additionally, upon information and belief, five¹ of the eight individual defendants have been served with the summons and complaint. This extension will provide plaintiff the time to serve those individuals who may not have been served, and provide time for this office to make representational decisions with respect to the individual defendants who have been served, and with respect to those who are timely served in the future. *See Mercurio v. The City of New York et al.*, 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting *Williams v. City of New York et al.*, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985))

¹ While this office does not yet represent any of the individual defendants except Commissioner Horn, we respectfully requests a similar extension to respond to the complaint, on behalf of those individual defendants who have been properly served.

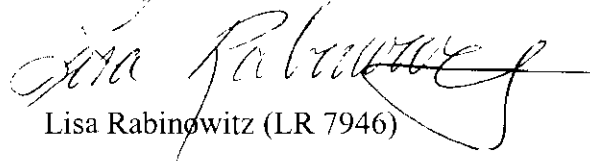
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(decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

No previous request for an extension has been made by defendants. Accordingly, we respectfully request that defendants City and Horn's time to respond to the complaint be extended until August 5, 2007.

Thank you for your consideration herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lisa Rabinowitz", with a long, sweeping horizontal stroke extending to the right.

Lisa Rabinowitz (LR 7946)

cc: Sarah Netburn, Esq.
(via fax: 212-763-5001)